

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 530 of 1977

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the concerned : NO  
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

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SHAIKH HAMIDBHAI SARFUDDIN

Versus

BANSIDHAR ISHWARLAL RANA  
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Appearance:

1. First Appeal No. 530 of 1977  
FRESH NOTICE REQD(N) for Appellant  
NOTICE UNSERVED for Respondent No. 1  
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CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 20/04/2005

ORAL JUDGEMENT

On perusal of the submission made by Section Officer to the Assistant Registrar, it is seen that the learned advocate of the appellant as well as the learned

advocate of the respondent are not alive. Mr. Arvind K. Shah, learned advocate who has filed his appearance earlier for the appellant has also expired and notice to that effect was issued to the appellant. The said notice returned unserved with remark that the appellant Shaikh Hamidbhai Sarfuddin has also expired. Mr.F.A.Memon, learned advocate of the respondent has also expired. This is a very old matter. Most of the papers related to this First Appeal are in torn and untidy condition. Department has also no record whether Civil Application for joining the heirs and legal representatives of the deceased appellant has been filed or not.

2. In aforesaid view of the matter, since the sole appellant has died and no application for bringing his heirs and legal representaives of the deceased appellant has been filed, therefore, the appeal is abated and accordingly First Appeal is consigned to the record of the Court as having been abated.

(A.M.Kapadia, J)

Jayanti\*